

CHARGE: 502(a)—while held for sale, the labeling contained false and misleading representations that the article was adequate and effective to promote health, strength, long life, and physical resistance to disease; to stimulate the appetite; and to aid digestion.

DISPOSITION: 3-23-62. Consent—claimed by Mario's Food Products Co. and relabeled.

7053. Moxley Two-In-One massage pillow. (F.D.C. No. 42536. S. No. 15-330 P.)

QUANTITY: 5 devices at Columbus, Ohio.

SHIPPED: 9-20-58, from Los Angeles, Calif., by Moxley Massage Equipment Co., Inc.

LABEL IN PART: "Moxley Two-In-One Massage Pillows."

ACCOMPANYING LABELING: (Sales manuals) "Moxley Two-In-One Thera-Massage"; (booklets) "A Heart to Heart Story"; and (leaflets) "How to Enjoy the Famous Moxley Two-In-One Massage Pillow."

LIBELED: 12-1-58, S. Dist. Ohio.

CHARGE: 502(a)—when shipped, the labeling contained false and misleading representations that the article was an adequate and effective treatment for heart disease, hypertension, poor circulation which may lead to arthritis, bursitis, ulcers, constipation, stomach stricture, kidney inflammation, sclerosis of the liver, or "dozens of other terrible illnesses"; spastic paraplegia and fibrositis; fallen arches; sinus congestion; paralysis due to strokes; migraine headaches; and for diabetes, hives, and baldness.

DISPOSITION: 3-3-60. Default—the devices and a portion of the accompanying labeling delivered to the Food and Drug Administration; remainder of accompanying labeling destroyed.

7054. Tone Facial Exercise device. (F.D.C. No. 45706. S. No. 57-640 R.)

QUANTITY: 47 devices at Miami, Fla.

SHIPPED: 11-9-60 and 12-7-60, from Beverly Hills, Calif., by Tone International.

LABEL IN PART: "Tone Facial Exercise * * * Gabrielle Products, Fullerton, Calif."

ACCOMPANYING LABELING: Leaflets entitled "Operating Instructions—Tone Facial Exerciser," "You Cannot Pull or Stretch a Muscle * * * Tone Facial Exerciser," and "Read This Before Using The Electronic Facial Exerciser."

RESULTS OF INVESTIGATION: Examination showed the article to be similar in size and general shape to an electric shaver. It consisted of a plastic housing containing a small electric motor and an electric cord for connection to ordinary household current. Attachments consisted of two plastic sponges which might be affixed to either side of the device. Two switches reportedly controlled, at a high or low level, the "contractions" action of the sponges as they were placed next to the skin of the facial area.

LIBELED: 4-11-61, S. Dist. Fla.

CHARGE: 502(a)—when shipped, the name "Tone" and statements in the labeling of the article contained false and misleading representations that the article was adequate and effective as a treatment for aiding in erasing wrinkles, sagging muscles, heavy jowls, double chin, crepy throat, crow's feet, lines around the eyes, lines in the forehead, lines in front of ears, lines on side of the mouth, circles under the eyes, and loose cheek muscles; toning and firm-